

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1285 of 2019

Arising Out of PS. Case No.-127 Year-2005 Thana- KHAJANCHI HAT District- Purnia

Kamal Lata Singh, Wife of Ram Naresh Singh, Resident of - Tatma Toli,
Newa Lal Chowk, P.S.- K. Hat, District - Purnea

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Home, Government of Bihar, Patna.
4. The Director General of Police, Bihar
5. The Deputy Inspector General, Purnea Range, Purnea.
6. The Superintendent of Police, Purnea.
7. The District Magistrate, Purnea.
8. The Sub Divisional Officer, Sadar, Purnea.
9. The Circle Officer, Purnea East, Purnea.
10. The Officer-in-Charge, K. Hat P.S., Purnea.
11. Saroj Kumar Singh (Constable no. 547), Resident of-Gokhale Nagar
Vishunpur, P.S.- Balia, District - Begusarai

... .. Respondents

Appearance :

For the Petitioner : Mr. Radha Mohan Singh, Advocate
For the Respondents-State: Mr. M. Nasrul Huda Khan, SC-1

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 09-09-2019

The reliefs prayed by the petitioner as enumerated in
para 1 to the present application are as under:-

- (i) For issuance of writ in the nature of mandamus
or any other appropriate writ for directing the
official respondents to restore the possession of
petitioner on her house situated at plot pertaining to
Mauza-Maranga, Khata No.1677, Khesra No.2339,



Area-3 Katha 11 dhoors by evicting the private respondent and his family members who has illegally occupied the house of the petitioner.

(ii) For issuance of writ in the nature of mandamus or any other appropriate writ for commanding the official respondents to remove illegal encroachment from the house of petitioner situated at plot pertaining to Mauza-Maranga, Khata No.1677, Khesra No.2339, Area-3 Katha 11 dhurs as the same has been illegally occupied by the private respondent and his family members.

(iii) For issuance of writ in the nature of mandamus or any other appropriate writ for directing the official respondents to take stern legal action against the private respondent for illegally occupying the house of the petitioner by taking advantage of his police service.

(iv) For issuance of any other order or orders which your Lordships may deem fit and proper in the facts and circumstances of the case.

2. Learned counsel for the petitioner submitted that the petitioner acquired the plot pertaining to Mauza-Maranga, Khata No.1677, Khesra No.2339, Area 3 Katha 11 dhurs by way of registered sale deed dated 09.12.1988 from Yasin Begam and Manovar Mohammad Suleman. Thereafter, his name was mutated. She was working as Principal of A.N.M. School, Sadar Hospital, Purnea. She constructed house upon the said land and started to



live in. Thereafter, in the year 1998, she was transferred to Gopalganj where she worked till March, 1999 and upon transfer, she again returned back to Sadar Hospital, Purnia. However, she found that respondent no. 11 was illegally occupied the house by breaking its lock and since then, he is in possession of the entire property belonging to the petitioner.

3. Admittedly, the petitioner is not in possession of the property in question since about two decades. The issue relating to right, title and possession etc. in respect of an immovable property can not be decided in a proceeding under Article 226 of the Constitution of India. The remedy of the petitioner lies under the common civil law.

4. In that view of the matter, I am not inclined to accede to the prayers made in the writ petition.

5. The application is dismissed with liberty to the petitioner to seek any other remedy, which may be available to her in accordance with law.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2019
Transmission Date	12.09.2019

